

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06-CV-00071**

**CHARLIE HOOKS, SALLY WADE, and
TRACY A. BOLES,**

Plaintiffs,

v.

**AMERICAN MEDICAL SECURITY LIFE
INSURANCE COMPANY, AMERICAN
MEDICAL SECURITY, INC., UNITED
WISCONSIN LIFE INSURANCE COMPANY
and TAYPAYER NETWORK, INC.,**

Defendants.

ORDER

This matter is before the court upon Plaintiff's Motion to Remand. The court entered an Order on August 29, 2006 deferring ruling on this motion pending Defendants' amendment of their Notice of Removal to cite the Class Action Fairness Act of 2005 ("CAFA") as a basis for jurisdiction, and directing the parties to confer and report to the court what discovery needs to be conducted with regard to CAFA. The Defendants promptly filed an amended Notice of Removal as directed by the court. The parties subsequently conferred regarding discovery. Defendants filed a report to the court along with a Declaration of James C. Modaff, Executive Vice President and Chief Actuary of Defendants. In his Declaration, Mr. Modaff provides the court with additional factual detail regarding the size of the putative class and the amount in controversy. After reviewing Mr. Modaff's Declaration, the court is satisfied that Defendants have established that the threshold jurisdictional requirements of CAFA are met. The Plaintiffs have failed to respond to the Defendants' filings or indicate to the court in any way that they require additional

discovery on this issue. Accordingly, the court will deny the Plaintiffs' Motion to Remand.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Remand is hereby
DENIED. .

Signed: March 21, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

